

REMARKS

Applicant is submitting this amendment in response to the Examiner's requirement for restriction.

Applicant has amended claims 15 through 30 in order to make it clear that the paste is a curable by drying at room temperature under normal pressure and to correct some minor inconsistencies and informalities and to present claims in accordance with US Patent Practice. Antecedent basis for the amendments to the claims may be found in the specification at the bottom of page 10 and on page 15, lines 14 to 20. Applicant notes that claims 24 and 25 are no longer presented as "use" claims, but are now presented as "method of use" claims according to US Patent practice.

In response to the requirement for restriction, Applicant elects to prosecute the claims of Group I, that is claims 15 through 23, directed to a curable paste. Applicant makes the election with traverse.

The Examiner argues that there is no common technical feature linking the claims of Group I, that is claims 15 through 23, the claims of Group II, that is claims 24 and 25, and the claims of Group III, that is claims 26 through 30 and so the requirement for restriction among the claims is proper. To support his argument for restriction, the Examiner cites US Patent 4,031,059 to STRAUSS. The Examiner argues in Paragraph 2 of the

office action that the STRAUSS reference discloses the features of instant claims 15, 24 and 26, and so there is no special technical feature linking the claims of Groups I, II and III. Applicant disagrees. All of the claims in this application have a special technical feature linking all of the claims, that is the paste, containing small mineral hollow microspheres, water, an inorganic/organic binder or a mixture of such binders and fibers, wherein the paste is freely shapeable, is curable by drying at room temperature under normal pressure.

The main differences between the presently claimed paste compositions, and the shaped articles containing the cured pastes, and the process for preparing the shaped articles in relation to US 4,031,059 are as follows:

1. The present paste is curable at room temperature and under normal pressure (page 10, last par. of the specification) and without pressing (see page 15, par. 5 of the English translation of the specification).

In contrast to that the composition of US 4,031,059 cannot cure at room temperature and under normal pressure. This composition needs elevated temperatures (150 °F up to 250 °F) and "direct pressure" or the "vacuum bag technique" (Examples I and II, columns 16 - 20).

The ability to cure at room temperature and under normal pressure is a very important aspect of the presently claimed invention. It is also a stated object of the invention (page 8, lines 9 through 11 of the specification).

2. The paste according to the invention is freely shapeable.

3. The paste according to the invention cures by drying: The water in the paste evaporates at room temperature and under normal pressure. If the paste is stored in a closed container, even for 3 or 4 years, the water cannot escape. Then the paste does not cure and it remains shapeable for years.

The compositions disclosed in US Patent 4,031,059 contain a commercial resin and a suitable curing agent. Here curing occurs by a chemical reaction of the resin and the curing agent. The liquid silicone resin polymerizes under the influence of the curing agent and an "organopolysiloxane polymer" (a rubberlike solid) results (see col. 13, lines 31 - 37). After the resin and the curing agent are mixed the mixture cannot be stored for years without curing unlike the presently claimed invention.

In the present invention the paste does not contain such a chemical curing agent but a dispersion of polysiloxane powder in water. The polysiloxane is already a polymer and so does not have to be polymerized. The water prevents the polysiloxane powder particles from sticking to each other. Here curing of the paste occurs by evaporation of the water. Then the sticky polysiloxane particles come into contact with each other and the other powder

and fiber particles in the cured paste. In this way all the particles are glued together.

Thus Applicant's claims now presented are all linked by a common technical feature that is neither disclosed nor suggested in US Patent 4,031,059. Thus all claims now presented under the PCT Rules should be examined together.

Applicant is also submitting an Information Disclosure Statement that includes the results of a search performed by the German Patent Office in the corresponding German Application and a search performed by the European Patent Office in the corresponding European Patent Application. All cited prior art references are listed on PTO 1449. Applicant does not have available at the present time an English translation of the office action from the German Patent Office.

Applicant awaits an action "on the merits".

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